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SUBJECT: GUATEMALA UN HUMAN RIGHTS OFFICE OUTLINES 12  
RECOMMENDATIONS TO STRENGTHEN HUMAN RIGHTS

¶1. Summary: On March 7, UN High Commissioner for Human Rights (UNHCHR) Country Representative Anders Kompass presented to the diplomatic community a report of the human rights situation in Guatemala and the activities of his office during 2007. Kompass said his office was most concerned about violations of the right to life, as evidenced by violent crime, impunity, and poverty. Among 12 recommendations, UNHCHR Guatemala urged the government to launch a public campaign to restore the image of, and public confidence in, its police, and to strengthen internal and external control mechanisms. End Summary.

¶2. The annual report summarizes efforts undertaken by the UNHCHR Guatemala Office to monitor the human rights situation, and to provide technical assistance and advice to state institutions and civil society organizations. According to Kompass, the report, which was presented to the UN Human Rights Council earlier this month during its seventh session, complements human rights reports prepared by embassies and NGOs. It focuses on five themes: right to life and security, including combating violence against women; the rule of law and impunity; political rights; combating racism and racial discrimination; and economic, social, and cultural rights. It outlines 12 recommendations -- fewer than last year's 17 -- to focus efforts on addressing the key problems.

#### Key Concerns

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¶3. Kompass said the biggest concern of his office is the state's inability to guarantee the right to life, as manifested by violent crime, impunity, and poverty. He noted that police investigations have not resulted in clarification of crimes. He also noted that Guatemala suffers from a high rate of extreme poverty, especially in rural, indigenous areas, and has one of the highest levels of socio-economic inequality in the hemisphere. This situation of inequality and poverty, he said, continues to be the state's main challenge in advancing economic, social, and cultural rights.

¶4. The report states that organized criminal structures operate within state institutions and commit human rights violations. According to UNHCHR, these structures have been utilized by organized crime, narcotraffickers, and other powerful groups, and have acted with the support, acquiescence, or tolerance of some high-ranking officials in the Ministry of Government and the National Civil Police (PNC).

¶5. The report cites as key problems the persistent high level of impunity and the ineffectiveness of the Public

Prosecutor's Office to control the impunity. Deficiencies included failure to identify suspected perpetrators, sufficiently examine and handle evidence, properly secure crime scenes, ensure the chain of custody, and bring investigations to conclusion. It also notes the lack of coordination among prosecutors' offices in exchanging information on potentially related case files.

#### Recommendations

16. Among its recommendations, UNHCHR urged the government to undertake comprehensive efforts to restructure the PNC, intensifying its clean-up efforts and strengthening internal and external control mechanisms to professionalize the police force. It also urged the authorities to conduct a public campaign to restore the image of, and to re-build public trust in, the police, starting with implementation of a model based on crime prevention and investigation, transparency, Qbased on crime prevention and investigation, transparency, defense of citizens, and respect for human rights.

17. To strengthen rule of law and to more effectively combat impunity, it urged the Public Prosecutor's Office and the PNC to apply technical criteria to each step of the investigative process, as well as to implement effective operational mechanisms for coordination, including inter-institutional analyses of patterns of criminal conduct and development of a comprehensive procedure for criminal investigation and prosecution. It also called upon judicial institutions to conduct internal controls, particularly of the disciplinary and performance evaluations systems; ensure the accountability of judicial officials, including high-ranking officials; and develop and implement, in consultation with indigenous peoples, a policy to ensure access to justice.

18. Kompass said the goal of the report is to provoke changes to strengthen the human rights situation in Guatemala, which is among the countries that will be reviewed this year under the voluntary UN Periodic Review System. He emphasized that the diplomatic community plays a key role in advancing democracy and human rights by engaging with senior levels of the GOG and focusing international attention on the issues. The Chilean Ambassador commented that it is important not only to strengthen public institutions but for the state to have a concept of state responsibility. The Swiss representative expressed concern over the political will of some GOG institutions regarding support for the International Commission Against Impunity in Guatemala (CICIG).

#### Comment

19. The concerns raised by UNHCHR are concerns that the Colom government has acknowledged and is committed to addressing. The UNHCHR report and concrete suggestions provide a useful roadmap for the way forward. In the twelve years since the end of the internal conflict, Guatemala has made progress in advancing human rights. However, overcoming the pervasive climate of impunity and history of violence are serious challenges that will require not only political will and strong government leadership, but international donor support and the full participation of every sector of society.

Derham